

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT, pursuant to Ordinance No. 6, Series 1954, passed by the Common Council of the City of Elgin on the 13th day of April, 1954, in a duly and regularly convened, adjourned meeting thereof, and approved by the Mayor of said City on said date, a special election will be held on Friday, the 21st day of May, 1954, from the hour of 8:00 o'clock A.M. to the hour of 8:00 o'clock P.M. on said date, at the following polling places within said city:

Precinct No. 1 - City Hall

Precinct No. 2 - Knights of Pythias Hall

Said special election is being held for the purpose of submitting to the electors of said City, for their approval or rejection, a measure with the following ballot title:

CHARTER AMENDMENT TO REVISE CITY OF ELGIN CHARTER

"An Amendment to completely revise the present Charter of the City of Elgin and provide a new charter for the government of said City and to repeal all Charter provisions of said City enacted prior to the time that the Amended Charter takes effect, retaining the Mayor-Council form of government and providing more general and less specific grants of power and restriction."

Shall the proposed Amended Charter for the City of Elgin, Oregon be adopted? VOTE YES OR NO.

100 YES

101 NO

The hereinabove described measure is a Charter Amendment Enactment which has been referred to the electors of said City by resolution of the Common Council of said City and is described in full as follows:

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ELGIN AS FOLLOWS:

A CHARTER TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF ELGIN, UNION COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ELGIN, UNION COUNTY, OREGON:

CHAPTER I.

NAME AND BOUNDARIES

Section 1. TITLE OF ENACTMENT. This enactment may be referred to as the Amended Charter of 1954.

Section 2. NAME OF CITY. The city of Elgin, Union County, Oregon, shall continue to be a municipal corporation with the name "City of Elgin."

Section 3. BOUNDARIES. The city shall include all territory bounded by a line:

Beginning at a point on the Grande Ronde River at low water mark 100 feet East from the Northeast corner of Hindman's Addition to Elgin, Union County, Oregon, thence West to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 15, Township 1 North, Range 39 E.W.M., thence South 160 rods, thence West 160 rods, thence South 160 rods to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 16, Township 1 North, Range 39 E.W.M., thence East along the section line between Sections 15 and 22, Township 1 North, Range 39 E.W.M., to the East boundary line of the right of way of the Oregon-Washington Railroad & Navigation Company, thence in a Southwesterly direction along the east boundary line of said right of way 1025 feet, thence in a northeasterly direction 1820.5 feet to the West boundary line of Oregon State Highway No. 82, at a point 300 feet South of said section line, thence North 300 feet to said section line, thence East to the Grande Ronde River at low water mark, thence Northerly along the West bank of said river at low water mark to the place of beginning.

CHAPTER II.

POWERS

Section 4. POWERS OF THE CITY. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTER. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal

affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III.

FORM OF GOVERNMENT.

Section 6. WHERE POWERS VESTED. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. COUNCIL. The council shall be composed of a mayor and six councilmen elected from the city at large.

Section 8. COUNCILMEN. The term of office of each councilman in office when this charter is adopted shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, six councilmen shall be elected. Of the six, the three receiving the three highest number of votes shall each hold office for four years, and the three receiving the next three highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, three councilmen shall be elected, each for a term of four years.

Section 9. MAYOR. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. OTHER OFFICERS. Additional officers of the city shall be a municipal judge, a recorder, and such other officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions.

Section 11. SALARIES. The compensation for the services of each city officer and employe shall be the amount fixed by the council.

Section 12. QUALIFICATION OF OFFICERS: No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

CHAPTER IV.

COUNCIL

Section 13. MEETINGS. The council shall hold a regular

meeting at least once each month at a time and at a place in the city which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than forty-eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. QUORUM. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. JOURNAL. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal.

Section 16. MEETINGS TO BE PUBLIC. All deliberations and proceedings of the council shall be public.

Section 17. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS. The mayor shall be chairman of the council and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.

Section 18. PRESIDENT OF THE COUNCIL. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 19. VOTE REQUIRED. Except as this charter otherwise provides, the concurrence of a majority only of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V.

POWERS AND DUTIES OF OFFICERS.

Section 20. MAYOR. The mayor shall appoint the committees provided by the rules of the council. He shall sign all approved records of proceedings of the council. He shall have no veto power and shall sign all ordinances passed by the council within three days after their passing. Upon the approval of the council,

he shall endorse all bonds of city officers and all bonds for licenses, contracts, and proposals.

Section 21. MUNICIPAL JUDGE. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Elgin, Union County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

Section 22. RECORDER. The recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder. The recorder shall be the city assessor and perform all the duties required of him as such.

CHAPTER VI.

ELECTIONS.

Section 23. QUALIFICATION OF A VOTER. A voter otherwise qualified by the laws of the State of Oregon shall be entitled to vote in all city elections providing he shall have resided at least 6 months in the city immediately preceding the election.

Section 24. REGULAR ELECTIONS. Regular city elections shall be held at the same time and places as biennial general state elections, in accordance with applicable state election laws.

Section 25. NOTICE OF REGULAR ELECTIONS. The recorder, pursuant to directions from the council, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 26. SPECIAL ELECTIONS. The council shall provide the time, manner and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the council ordering the election.

Section 27. REGULATION OF ELECTIONS. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the State shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 28. CANVASS OF RETURNS. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council. It shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 29. TIE VOTES. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 30. COMMENCEMENT OF TERMS OF OFFICE. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 31. OATH OF OFFICE. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 32. NOMINATIONS. A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the council. Such petition shall be signed by not fewer than 20 electors. No elector shall sign more than one such petition for the same office. If he does so, his signature shall be valid only on the first petition filed. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient description. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 90 nor later than 30 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. Such deficient petition may be amended and filed again as a new petition, or a different petition for the same candidate shall be filed, not later than fifteen (15) days prior to the election. The recorder shall notify an eligible person of his nomination, and such person shall file with the recorder his written acceptance of nomination, in such form as the council may require, within five days of notification of nomination. Upon receipt of such acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires.

CHAPTER VII.

VACANCIES IN OFFICE.

Section 33. WHAT CREATES VACANCY. An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office; upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected

or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and in the case of mayor or councilman, upon his absence from the city for 30 days or upon his absence from meetings of the council for 60 days without the consent of the council and upon a declaration by the council of the vacancy.

Section 34. FILLING OF VACANCIES. Vacancies in elective offices of the city shall be filled by appointment by a majority of the entire membership of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII.

ORDINANCES.

Section 35. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The city of Elgin ordains as follows:"

Section 36. INTRODUCTION, READING AND PASSAGE. Every ordinance of the council shall be fully and distinctly read in open council meeting on two different days previous to being put upon its final passage. Any ordinance, however, may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the council present at the meeting. Upon the final vote on an ordinance, the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter, the mayor shall sign it with the date, his name, and the title of his office.

Section 37. WHEN ORDINANCES TAKE EFFECT. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX.

PUBLIC IMPROVEMENTS.

Section 38. CONDEMNATION. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 39. IMPROVEMENTS. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance, or, to the extent not so governed, by the applicable general laws of the state. A remonstrance by the owners of two-thirds of the property to be specially assessed for a proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section "owner" shall

mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the city recorder, the said purchaser shall be deemed the "owner."

Section 40. SPECIAL ASSESSMENTS. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 41. BIDS. A contract in excess of \$1000.00 for a public improvement to be made by a private contractor or any purchase of original equipment or of supplies or services, with the exception of repairs, in excess of \$1000.00 shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council. Council shall reserve the right to reject any and all bids.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

Section 42. DEBT LIMIT. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$10,000.00; nor its bonded indebtedness, \$50,000.00 at any one time. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 43. TORTS. In no event shall the city be liable in damages to any person for an injury to person or property caused by a defect or dangerous place in a sidewalk, crosswalk, street, alley, sewer, public ground, public building, drain, gutter, ditch, or way, unless the city has had actual notice prior to the injury that the defect or dangerous place existed and has had a reasonable time thereafter in which to repair or remove it. In no case shall more than \$500.00 be recovered as damages for an injury resulting from such a defect or dangerous place. No action shall be maintained against the city for damages growing out of such an injury unless the claimant first gives written notice to the council within 30 days after the injury is sustained, stating specifically the time when, the place where, and the circumstances under which it was sustained, and that he will claim damages therefor of the city in an amount which he specifies. But in no event shall the action be started until 30 days have elapsed after the presentation of this notice to the council.

Section 44. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 45. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 46. FRANCHISE LIMITATIONS. Except by the consent of the voters, council shall not enter into a franchise agreement for a period longer than 10 years; no franchise entered into by the council shall be exclusive.

Section 47. OFFICERS TO GIVE BONDS. Any officer whose duties require the handling of any monies, drawing of warrants, checks or other evidences of money due or to be due for the city, or whose duties requires the keeping or maintaining any books of account, or record of money transactions for the city, and any other officer as the council deems necessary, shall give a bond in such an amount and with such surety as may be approved by the council. The premium for such bond shall be paid by the city.

Section 48. AUDIT OF CITY RECORDS. The council shall cause, at least once annually an audit to be made of all the city's financial records by a certified public accountant or licensed public accountant.

Section 49. TIME OF EFFECT OF CHARTER. This charter shall take effect July 1 1954.

AFFIDAVIT OF POSTING

STATE OF OREGON)
COUNTY OF UNION (: ss

I, A.P. Miller, being first duly sworn depose and say:

That I am the duly qualified elected and acting County Recorder of the City of Elgin, Union County, Oregon; That I am a citizen of the United States over the age of 21 years and a resident of the State of Oregon and Union County, therein.

That on the 8th day of May, 1954, I posted the hereunto attached NOTICE OF A SPECIAL ELECTION in public view in the following three conspicuous public places with in the City of Elgin, Union County, Oregon:

- (1) One on the bulletin board at the City Hall.
- (2) One on the bulletin board at the Elgin Post office.
- (3) One on the bulletin board of the First State Bank.

A.P. Miller

Subscribed and sworn to before me this 8th day of May, 1954.

Ross E. Heaning
Notary Public for Oregon
My commission expires: 3/23/56